IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7747 OF 2005

Indrabhan Mahadu Kakad ... Petitioner

Versus

The State of Mah. and Anr. Respondents

WITH

WRIT PETITION NO. 7748 OF 2005

Yogesh Gangadhar Kute ... Petitioner

Versus

The Maharashtra Public Service Commission ... Respondents

Mr. Rajesh Tekale for Petitioners.

Mrs. M.P. Thakur, A.G.P. for R. No. 1.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 17, 2006

P.C.

. Rule. Heard forthwith.

. The application of the Petitioner was rejected by Respondent No.2 on the ground that they did not comply with the particulars namely producing of the non-creamy Layer certificate. After the said rejection, Petitioner approached this court on

10.11.2005. After hearing the parties, the learned Single Judge of this court was pleased to direct the Petitioner to appear for the written examination.

. The Petition has now come up for hearing. On behalf of the Petitioner, their learned counsel points out that the documents had to reach the office of the Respondent No. 2 by 6.7.2005. In the instant case, the caste certificate produced showed that the part belonging to non-creamy Layer was struck of and hence, the petitioner was not shown as belonging to non-creamy layer category. The Petitioners thereafter sought to furnish the documents from the competent authority showing that they belong to non-creamy Layer category. This was not accepted by the Respondent No. 2 on the ground that it was belated.

. Considering the special circumstances as also the fact that the Petitioners had applied within time and there appears to be scratching on the certificate regarding non-creamy Layer part and the subsequent production of the certificate before the

examination were held and in terms of the order of this court and regard being had to these special circumstances, petition can be disposed of by issuing the following directions :

. The Petitioners be permitted if they pass the examination to appear for the other tests including the oral interviews, if there be any. Rule made absolute accordingly.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)